IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 128 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GUJARAT ELECTRICTY BOARD - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

==========

Appearance :

MR NK MAJMUDAR for Applicant(s) : 1,
MR SS PATEL APP for Respondent(s) : 1,
MR AD SHAH for Respondent(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 14/12/2006

ORAL JUDGMENT

1. The petitioner herein has challenged the

order dated 10th January, 1996 of the learned Extra Assistant Judge, Bharuch in Delay Condonation Application No.233 of 1992 whereby delay of 198 days due to alleged administrative reasons was not condoned and consequently the revision application was rejected. After filing the present application in the form of Criminal Misc. Application u/s. 482 of Cr.P.C. read with section 397 and 401 of the Code, it was permitted to be converted into a revision application. Learned counsel for the petitioner vehemently argued that the petitioner required legal opinion and approval of the higher authority before filing the original revision application before the Sessions Court. He submitted that such administrative delay was inevitable and the petitioner could not have been expected to explain the delay of every day.

2. Learned counsel Mr.A.D.Shah defended the impugned order with the submission that the petitioner and their officers were conscious

about the order of the learned J.M.F.C., by which the respondent-accused was discharged and except the vague words of “administrative reasons” no details whatsoever were given to explain the delay and much less any sufficient cause to justify the delay was shown. He further submitted that, according to his instruction, the civil suit arising from the same matter was decreed in favour of the respondent-accused and the prosecution was in any case not likely to succeed after 15 years of the date of the alleged offence. He further submitted that, technically, the original revision of the petitioner having been dismissed on account of the delay being not condoned, the present second revision application would not be maintainable and could not be entertained.

3. In the above facts and circumstances, it appears to be neither technically permissible nor justified or in the interest of justice to interfere with the impugned order. Therefore,

the petition is dismissed and Rule is discharged with no order as to costs.

(D.H.WAGHELA, J.)

//smita//